HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT APPEAL No. 47 OF 2007

Between:

M/s. My Home Industries Ltd.,
Rep., by its Managing Director
& another.

… Appellants

AND

Andhra Pradesh Electricity Regulatory
Commission, Singareni Bhavan, Red Hills,
Hyderabad & two others.

… Respondents

Dated: 08th February-2007

Counsel for the Appellants : Sri Challa Gunaranjan for
Sri C. Kodanda Ram

: JUDGMENT :

PER G.S.SINGHVI, CJ

This appeal is directed against order dated 05.01.2007 passed in W.P.M.P.No.483 of 2007 in W.P.No.387 of 2007 whereby the learned Single Judge stayed the recovery of Rs.64,38,787/- in terms of demand created by Superintending Engineer (Operation), Central Power Distribution Company of Andhra Pradesh Limited, Nalgonda subject to the condition that the writ petitioners (the appellants herein) shall continue to pay other levies, charges and surcharges as per the regulations and also furnish the bank guarantee for a sum of Rs.40 lakhs within a period of four weeks.

After arguing the case for sometime, learned counsel for the appellants made a request that his clients may be permitted to withdraw the appeal with liberty to file fresh application before the learned Single Judge for total stay, in view of the judgment of this Court in **M/s. Vishnu Cements Limited and others v. Central Power Distribution Company of Andhra Pradesh Limited and others**[1] and also apply for early hearing of the writ petition.

The request of the learned counsel is accepted and the appeal is dismissed as withdrawn with liberty in terms of the prayer made.

As a sequel to dismissal of the writ appeal, WAMP.No.74 of 2007 filed by the appellants for interim relief is disposed of as

infructuous.

G.S. SINGHVI, CJ

G.V.SEETHAPATHY, J

Date: 08.02.2007
ES

---

[1] 2003 (5) ALT 408 (D.B.)